

Appl. No. : 10/078,287
Filed : February 15, 2002

REMARKS

Claims 1-4 and 7-10 were pending in the present application. By this paper, Claims 1, 7 and 8 have been amended. Applicant has added new Claims 18-20. Therefore, Claims 1-4, 7-10, and 18-20 are presented for further consideration.

In the Office Action, independent Claims 1, 7, and 8 were rejected as being anticipated by U.S. patent number 1,883,508 to Bonday. Bonday is titled “Aerial Support” and is directed to a rooftop support for an antenna or flagpole that can be mounted at various angles. In the Office Action, the Examiner identified bolts (9) for anticipating Applicant’s support elements. While not recited in Applicant’s Claim 1, fasteners (50a), (50b) (see applicant’s FIGURE 4) more closely correspond with the bolts (9) in Bonday than do Applicant’s support elements. Regardless, the bolts (9) and their interfitting eyes (8) are located on the top surface of the plates (7) and away from the mounting surface or roof (1) (see FIGURES 3 and 4). Thus, the bolts (9) do not “contact only a backside of a mounting surface” as recited in Applicant’s Claim 1. Even though Applicant disagrees with the Examiner that the bolts (9) disclosed in Bonday anticipate Applicant’s support elements, Applicant has further amended Claims 1, 7, and 8 to more clearly define the claimed support elements.

Amended Claim 1 recites, *inter alia*, “a first support attached to the first speaker mount half along a first axis, wherein the first support extends substantially beyond an outer perimeter of the first speaker mount half” and “wherein the first and second axes are offset from the third axis.” (emphasis added). These features are not disclosed in or taught by the references of record. As illustrated in Figure 2 of Bonday, the bolts (9) and upper arms (4) do not extend substantially beyond the perimeter of the plates (7). Moreover, as discussed above, the bolts (9) do not contact the roof (1). In addition, neither the bolts (9) nor the upper arms (4) define axes that are offset from one another as well as from the axis of rotation. Applicant has made similar amendments to Claims 7 and 8. The prior art of record does not cure these deficiencies in Bonday. Applicant respectfully requests allowance of amended Claims 1, 7, and 8.

Claims 2-4 and 8-17 depend from Claims 1, 7, and 8 and thus are patentable for at least the same reasons that Claims 1, 7, and 8 are patentable over the art of record. Therefore, allowance of Claims 1-4 and 7-17 is also respectfully requested.

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New Claims 18 - 20

Applicant has added new dependent Claims 18 – 20 to define additional aspects and features of a speaker bracket which are patentable over the references of record. For example, Applicant respectfully submits that Claim 18, for example, is allowable as presented as it recites, *inter alia*, that the first and second supports have a generally V-shaped cross section (emphasis added). The specification discloses such a shape at page 5, lines 18-20. Claims 19 and 20 include a similar feature. For this reason alone, Applicant submits that Claims 18 - 20 are patentable over the art of record. Consideration and allowance of new Claims 18 - 20 is respectfully requested.

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CONCLUSION

The Applicant has endeavored to address all of the concerns of the Examiner in view of the Office Action directed to the above-identified application. Accordingly, amendments to the claims, the reasons therefore and arguments in support of the patentability of the pending claims are presented above.

In light of the above amendments and remarks, reconsideration and withdrawal of the outstanding rejections is specifically requested. If the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, the Examiner is respectfully requested to initiate the same with the undersigned.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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By: James F. Herkenhoff
James F. Herkenhoff
Registration No. 51,241
Attorney of Record
Customer No. 20,995
(619) 687-8663

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